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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/828,939

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William R. Siskos

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PPG Industries, Inc.  
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One PPG Place  
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EXAMINER

LAZORCIK, JASON L

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

07/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/828,939</p>	<p><b>Applicant(s)</b> SISKOS, WILLIAM R.</p>	
	<p><b>Examiner</b> JASON L. LAZORCIK</p>	<p><b>Art Unit</b> 1791</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 1082893919 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: 13, 19-22 and 44.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 1-4, 6-12, 14-16, 24, 27, 29, and 39-43.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Richard Crispino/  
Supervisory Patent Examiner, Art Unit 1791

Continuation of 11. does NOT place the application in condition for allowance because:

**Preliminary Issues:**

Applicant notes that in the prior Office Action dated April 28, 2008, the PTO-326 form indicated that claims 1-4, 6-16, 19-29, and 39-43 were pending in the application. Applicant notes that claims 1-4, 6-16, 19-29, and 39-43, and claim 44 were pending. The Examiner is in agreement with Applicants position on this matter. Applicant is advised that the status of claim 44 was addressed in the noted Office Action on page 17, and that the status of claim 44 was inadvertently omitted on the PTO-326 form.

With respect to the rejection of claims 6, 8, and 9-12 under 35 U.S.C. §112, second paragraph, Applicant points to the prior Office Action noting (See page 17) that claim 6 is explicitly rejected, claim 8 is dependent from claim 6, and claims 9-12 with depend from claim 8 were likewise rejected. The Applicant proceeds under the understanding that claim 8 should have been included under the present rejection of claims. The Examiner is in agreement with Applicants position, namely that claim 8, although not expressly included in the statement of the rejection, should have been thus included under the prior issued rejection. Claim 8 was inadvertently omitted by the Examiner in drafting the grounds of rejection.

**Claim Objections:**

Applicants amendments to claims 13, 21, and 29 overcome the noted rejections on page 2 of the Office Action dated

**Rejection of claim 43 under 35 U.S.C. §112, first paragraph;**

As previously noted, a solid surface is not equivalent to the claimed "non-porous surface" for the reasons previously presented. Applicants arguments have previously been treated, and the Examiner's position stands as set forth in the prior Office Action.

**Rejection of claim 29 and dependent claims 39 and 40 under 35 U.S.C. §112, second paragraph;**

Applicants arguments on this matter (see page 18) are persuasive. The instant rejection of claims 29, 39, and 40 is hereby withdrawn.

**Rejection of claims 6, 8, and 9-12 under 35 U.S.C. §112, second paragraph;**

Applicants arguments with respect to the are deemed to be unpersuasive. The rejection of claims stands as previously presented on page 3 of the Office Action dated April 28, 2008.

**Rejection of claims 1, 2, 4, 6, 7, 12, 14, 41, and 42 under 35 U.S.C. 102(b)/103(a);**

Applicant argues that the perimeter of the major surface of the first mold and the boundary of the shaped press face in the Montonen apparatus define the same element.

Applicants arguments on this matter are held to be unpersuasive.

Specifically Applicant notes that the ring like wall (4) is spaced from the periphery of the periphery of the mould (2). It should appear evident to the Applicant that the major surface comprises the surface of the shaping member as well as the marginal edge portion annotated by the dotted lines in the of the excerpt figure 2. The dotted line which is located distal to the shaping member (2) would properly be construed as a perimeter of the major surface of the first mold while the edge of the mould (2) in facing relationship with the ring-like wall (4) is functionally equivalent to the claimed "boundary of the shaped press face within, and spaced apart fro the perimeter of the major surface.

Applicants other arguments directed against claim 1, namely that "the inner wall 4 does not contact the first and second molds, is held unpersuasive. Specifically, as noted above, the major surface of the first mold comprises the surface of the shaping member as well as the marginal edge portion annotated by the dotted lines in the of the excerpt figure 2. In view of the foregoing, Applicants argument suggesting that the port 5 separates that outer wall (4) from the first mold is therefore held to be unpersuasive.

Applicants arguments regarding claims 4, 6, 7, and 41 have been prior treated in the grounds of rejection presented in the Office Action dated April 28, 2008. The rejection of the identified claims and other argued claims including claim 3, claims 8-11, claims 15-16, and claims 24, 27, 29, 39, and 40 have been prior treated and stand as set forth in the respective rejections of the April 28,2008 Office Action.

**Allowable Subject Matter;**

Claims 13, 19-22 and 44 are allowed.